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Appearances of Counsel Continued on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CROWD MACHINE, INC., METAVINE,
INC, and CRAIG DEREL SPROULE,

Defendants,

Case No.: 4:22-cv-00076-HSG

Hon. Haywood S. Gilliam, Jr,

**STIPULATION AND JOINT
STATEMENT TO REQUEST
MODIFICATION OF SCHEDULING
ORDER (ECF NO. 31) AND
EXTENSION OF DEADLINES;
ORDER (as modified)**

and

METAVINE PTY. LTD.,

Relief Defendant,

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7 Attorneys for Defendants
CROWD MACHINE, INC., METAVINE, INC.,
8 and METAVINE PTY. LTD.

1 Plaintiff United States Securities and Exchange Commission (“SEC”) and
 2 Defendants Crowd Machine, Inc., Metavine, Inc., and Relief Defendant Metavine
 3 Pty, LTD (collectively “Crowd Machine entities”), hereby jointly submit the
 4 following Stipulation and Joint Statement pursuant to Local Civil Rules 6-1, 6-2,
 5 and 7-12, Federal Rule of Civil Procedure 16(b)(4), and paragraph 15 of this Court’s
 6 Standing Order, seeking modification of the Court’s September 6, 2022, order (ECF
 7 No. 31) to extend the deadlines therein, subject to the Court’s approval, by
 8 approximately 45 days:

9 1. On March 23, 2022, the Court issued a Scheduling Order, setting this
 10 matter for a May 11, 2023, hearing on the amount of monetary relief owed. The
 11 Order also set forth interim deadlines for the completion of fact discovery, the
 12 exchange of expert reports and discovery, and a briefing schedule for the SEC’s
 13 forthcoming motion for monetary relief.

14 2. On September 6, 2022, the Court granted the parties’ joint stipulation
 15 to extend the deadlines set forth in the Scheduling Order by approximately 90 days
 16 (ECF No. 31). As a result, the final hearing on the SEC’s forthcoming motion for
 17 monetary relief is currently set for August 24, 2023, and fact discovery is currently
 18 set to close on December 16, 2022.

19 3. As set forth in the following Joint Statement of Good Cause, the
 20 parties agree there is good cause to extend the fact-discovery deadline by 45 days.

21 Joint Statement of Good Cause

22 4. The parties have worked diligently and cooperatively on exchanging
 23 fact discovery and conferring on scheduling matters and logistics. Each party has
 24 timely served written discovery requests, served written responses, and produced
 25 documents. Additionally, on December 7, 2022, the SEC took the deposition of
 26 Defendants’ former General Counsel and Chief Financial Officer.

27 5. The principal remaining discovery to be taken in this action is the
 28 deposition of Craig Sproule, Metavine, Inc’s principal. After the parties conferred

1 on a mutually agreeable date for Mr. Sproule's deposition, the SEC noticed Mr.
2 Sproule's deposition for December 8, 2022. Shortly before the deposition was
3 scheduled to take place, Mr. Sproule determined that he needed to retain his own,
4 separate counsel to account for any conflict of interest that might arise between Mr.
5 Sproule and any defendant. The parties are informed that Mr. Sproule is currently
6 in the process of retaining counsel, and his new counsel will need adequate time to
7 become familiar with the facts and issues in the case.

8 6. Accordingly, despite the parties' diligence and good faith in conducting
9 fact discovery, the parties agree that Mr. Sproule's deposition cannot proceed before
10 the current fact-discovery cutoff of December 16, 2022, which in turn impacts the
11 remaining case deadlines.

12 7. In light of the foregoing, to afford Mr. Sproule with adequate time to
13 retain counsel, and to afford Mr. Sproule's new counsel with adequate time to
14 consider the facts and issues in the case, the parties believe good cause exists to
15 extend the fact discovery deadline by approximately 45 days. The parties further
16 agree that, because the remaining deadlines are keyed to the close of fact discovery,
17 all subsequent deadlines set forth in the Court's order of September 6, 2022, should
18 similarly be extended by approximately 45 days.

19 8. The parties agree that this Joint Statement is made in good faith in
20 the interest of judicial economy and is not for the purpose of delay.

21 Based on the foregoing, IT IS STIPULATED AND AGREED, by and between the
22 parties and their undersigned counsel, that good cause exists for the deadlines set
23 forth in the Court's order of September 6, 2022 (ECF No. 31) to be MODIFIED. The
24 parties have conferred and jointly propose the following modifications to the current
25 deadlines set forth in the Court's order of September 6, 2022:

Event	Current Date ECF No. 5	Proposed New Date
Close of Fact Discovery re SEC's request for monetary relief	Dec. 16, 2022	Jan. 30, 2022
Deadline for SEC to serve initial expert report or updated disclosure under FRCP 26(a)(1)(A)(iii)	Feb. 1, 2023	Mar. 17, 2023
Deadline for Defendants and Relief Defendant to complete expert discovery re SEC's initial expert report (if any) and serve any expert report re SEC's claim for monetary Relief	Mar. 15, 2023	Apr. 28, 2023
Deadline for SEC to complete expert discovery re: Defendant and Relief Defendant's expert report (if any) and serve any rebuttal expert report	Apr. 26, 2023	June 9, 2023
Deadline for Defendants and Relief Defendant to complete expert discovery re SEC's rebuttal expert report	May 24, 2023	July 7, 2023
Deadline for SEC to file motion for monetary relief	June 21, 2023	Aug. 4, 2023
Deadline for Defendants and Relief Defendant to file response to SEC's motion for monetary relief	July 19, 2023	Sept. 1, 2023
Deadline for SEC to file reply in support of motion for monetary relief	Aug. 2, 2023	Sept. 15, 2023
Hearing on SEC's motion for monetary relief	Aug. 24, 2023, at 2:00 p.m.	Oct. 5, 2023, at 2:00 p.m.

Dated: December 16, 2022


By: /s/ Adam B. Gottlieb
 ADAM B. GOTTLIEB
 Attorney for Plaintiff
 U.S. SECURITIES AND EXCHANGE
 COMMISSION

Dated: December 16, 2022

By: /s/ Justin T. Goodwin
 JUSTIN T. GOODWIN
 Attorney for Defendants
 CROWD MACHINE, INC., METAVINE,
 INC., and METAVINE PTY. LTD.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED except that the Close of Fact
2 Discovery re SEC's request for monetary relief currently set for December 16, 2022
is continued to January 30, 2023.

3 DATED: 12/19/2022

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HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE